

PROB 12C  
(7/93)

**United States District Court**  
**for**  
**District of New Jersey**  
**Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: Ramona Tiburcio

Cr.: 07-CR-00066-001

Name of Sentencing Judicial Officer: John E. Jones, III, USDJ - Middle District of Pennsylvania. On January 24, 2007, jurisdiction was transferred to New Jersey and assigned to Susan B. Wigenton, USDJ.

Date of Original Sentence: August 29, 2006

Original Offense: Access Device Fraud

Original Sentence: 5 years probation, DNA testing, \$100 special assessment

Type of Supervision: Probation

Date Supervision Commenced: 08/29/06

Assistant U.S. Attorney: To be assigned

Defense Attorney: To be assigned

**PETITIONING THE COURT**

- ☐ To issue a warrant  
☒ To issue a summons

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number   Nature of Noncompliance

1           The offender has violated the supervision condition which states ‘ **The defendant shall refrain from the illegal possession and/or use of drugs and shall submit to urinalysis or other forms of testing to ensure compliance. It is further ordered that the defendant shall submit to drug treatment, on an outpatient or inpatient basis, as directed by the U.S. Probation Office. The defendant shall abide by the rules of any program and shall remain in treatment until satisfactorily discharged with the approval of the U.S. Probation Office.**’

Tiburcio tested positive for marijuana use on four occasions, as follows: September 5, 2005, September 13, 2006, October 31, 2006, and January 18, 2007. The offender tested positive for PCP on January 25, 2007 and February 1, 2007. She failed to comply with drug treatment as directed and was unsatisfactorily discharged from an outpatient program at Straight & Narrow.

In an effort to assist in Tiburcio’s recovery, our office referred her to another outpatient treatment center, North East Life Skills. On March 27, 2007, she failed to appear at the program for drug testing. The following day, she tested positive for codeine/hydrocodone/morphine, but she provided various prescriptions including one for tylenol with codeine. We are awaiting two other laboratory results which we suspect (due to instant test results) might be positive for PCP.

2           The offender has violated the supervision condition which states ‘ **The defendant shall participate in a mental health program for evaluation and/or treatment as directed by the U.S. Probation Office. The defendant shall remain in treatment until satisfactorily discharged and with the approval of the U.S. Probation Office.**’

The offender reportedly experiences depression and anxiety, and as a result, the Court modified the conditions of her supervision to include a mental health evaluation and/or treatment. The offender has failed to pursue treatment as directed by our office.

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The offender has violated the supervision condition which states 'The defendant is to be confined to her residence for a period of two months commencing at the direction of the U.S. Probation Office. The defendant shall be required to be at this residence at all times except for approved absences for gainful employment, community service, religious services, medical care, educational or training programs and at other such times as may be specifically authorized by the U.S. Probation Office. The defendant shall wear an electronic monitoring device and follow electronic monitoring procedures. The defendant shall permit the probation officer access to the residence at all times and maintain a telephone at the residence without any custom services or portable, cordless equipment. The defendant shall comply with any other specific conditions of home confinement as the probation officer requires. The costs of electronic monitoring was **WAIVED.**'

On March 22, 2007, Your Honor approved a modification of the conditions of probation to include two months of home confinement with electronic monitoring. On April 11, 2007, the term of home confinement commenced. On April 14, 2007, home confinement was discontinued because the phone line used for the monitoring was disconnected.

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The offender has violated the supervision condition which states 'You shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer.'

Tiburcio's boyfriend, Dennis Sanchez, is a convicted felon. On May 3, 2006, Sanchez was arrested for a narcotics-related offense. On March 26, 2007, Sanchez was found guilty of Manufacture/Distribution of CDS (Bergen County Ind. No. 2006-08-01334). Sentence is pending in New Jersey Superior Court, Bergen County.

**I declare under penalty of perjury that the foregoing is true and correct.**

By: Denise Morales  
U.S. Probation Officer  
Date: 04-16-07

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**THE COURT ORDERS:**

- ☒ The Issuance of a Summons. Date of Hearing: 5/8/07-2<sup>30</sup>  
☐ The Issuance of a Warrant  
☐ No Action  
☐ Other

  
Signature of Judicial Officer

April 22, 2007  
Date